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Attorney for Plaintiff
DANIEL CAI

UNITED STATES DISTRICT COURT
FOR DISTRICT OF NORTHERN CALIFORNIA

DANIEL CAI

Plaintiff,

vs.

CCL GROUP INC., DBA YOTAKA SUSHI
BAR & GRILL, EVELYN TANG & DOES 1
TO 10,

Defendants

Consolidated Cases:

Case No.:C06-07912 JL

Case No. C07-06444 JL

**JOINT CASE MANAGEMENT
STATEMENT**

The parties to the above-entitled case jointly submit this Case Management Statement and request that the Court adopt the Statement in issuing its Case Management Order.

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DESCRIPTION OF THE CASE

1. A brief description of the events underlying the action:

Plaintiff alleges that they were employed by defendant as restaurant workers. Plaintiff claims that during his employment they were not paid overtime compensation although they worked in excess of 40 hours a week or 8 hour a day on regular basis.

Plaintiff's complaint alleges violations of California Labor Code section 510, violation of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, failure to provide meal and rest periods in violation of California Labor Code §226.7, penalties under California Labor Code section 558,

1 waiting time penalties under California Labor Code section 203, and violation of California
2 Business and Professions Code section 17203.

3 **2. The principal factual issues which the parties dispute:**

4 (a) The number of hours each plaintiff worked

5 **3. The principal legal issues which the parties dispute:**

6 None; except Defendants contend that Plaintiff did not work and had been provided meal
7 periods.

8 **4. The other factual issues which remain unresolved**

9 None, except Defendants contend that Plaintiff did not work and had been provided meal
10 periods.

11 **5. The parties which have not been served and why**

12 None.

13 **6. The additional parties which the below-specified parties intend to join and the
14 intended time frame for such joinder:**

15 Parties do not intend to add to any additional parties at this time.

16 **7. The following parties consent to assignment of this case to a United States
17 Magistrate Judge for jury trial:**

18 Parties consent to the assignment of this case for jury trial before a magistrate judge.

19 **ALTERNATIVE DISPUTE RESOLUTION**

20 **8. The parties filed a Notice of Need for ADR Phone Conference and the phone
21 conference was held on or is scheduled for:**

22 N/A

23 **9. Other information regarding ADR process or deadline.**

24 Plaintiff and defendants have agreed to participate in the court sponsored mediation.

25 **DISCLOSURES**

10. The parties certify that they have made the following disclosures:

Parties have made disclosures.

DISCOVERY

11. The parties have agreed to the following discovery plan:

- (a) Parties agree to adhere to the limitations set forth in the Federal Rules of Civil Procedure;
- (b) Fact discovery cutoff on December 1, 2008 ;
- (c) Export reports: December 15, 2008;
- (d) Expert Rebuttal: January 15, 2009
- (e) Expert discovery cutoff: February 15, 2009
- (h) The parties agree to meet and confer concerning any modifications to this plan.

TRIAL SCHEDULE

12. The parties request a trial date as follows:

March 2009

13. The parties expect that the trial will last for the following number of days:

5-7 days

Dated: April 18, 2008

By: /s/ Adam Wang
Attorney for Plaintiff
Daniel Cai

Dated: April ____, 2008

By: /s/ Ronald Galasi.
Attorney for Defendants
CCL Group Inc. & Evenly Tang